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GOVERNMENT OF KERALA

Law (C) Department

NOTIFICATION

No. 10463|C2|60-1|Law.

Dated, Trivandrum, 19th January 1962.

In exercise of the powers conferred by sub-section (3) of section 1 of the Kerala Court-fees and Suits Valuation Act, 1959 (Act 10 of 1960) the Government of Kerala hereby appoint the first day of February, 1962, as the date on which the said Act shall come into force.

By order of the Governor,

P. UNNIKRISHNA KURUP,

Additional Law Secretary.

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GOVERNMENT OF KERALA

Law (C) Department

NOTIFICATION

No. 10463|C2|60-2|Law.

Dated, Trivandrum, 19th January 1962.

In exercise of the powers conferred by section 85 of the Kerala Court Fees and Suits Valuation Act, 1959 (Act 10 of 1960) read with sections 10, 20 and 74 thereof, and in supersession of the existing rules on the subject, the Government of Kerala hereby make the following Rules.

THE KERALA COURT FEES AND SUITS VALUATION RULES, 1962

1. *Short title.*—These Rules may be called the Kerala Court-fees and Suits Valuation Rules, 1962.

2. *Commencement.*—They shall come into force on the first day of February, 1962.

3. *Definitions.*—In these Rules, unless the context otherwise requires,—

(i) "the Act" means the Kerala Court-fees and Suits Valuation Act, 1959 (Act 10 of 1960);

(ii) "section" means section of the Act;

(iii) words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act.

4. *Restriction in regard to the use of stamps.*—Court Fee stamps purchased in the Kerala State shall alone be used for the payment of all fees chargeable under the Kerala Court Fees and Suits Valuation Act, 1959.

5. *Statement of particulars of subject-matter of suit and plaintiff's valuation thereof.*—The statement of particulars of the subject matter of a suit and the plaintiff's valuation thereof referred to in section 10 shall be in the form set out in the Annexure to these Rules and shall contain the particulars mentioned therein.

6. *Notice to the Collector.*—Every notice by the Court under section 20 shall be issued to the Collector of the District in which the subject matter of the claim to which the plaint, written statement, petition, memorandum of appeal or other document relates, is situate.

7. *Collection of Court Fee refunded in cases where the orders of remand are set aside.*—Where under section 67, a party obtains refund of the Court fee paid on a memorandum of appeal and where on a further appeal or revision the order of remand is set aside and the appeal is remanded to the Lower Appellate Court, the Court setting aside the order of remand

shall direct that the Court fee originally paid and subsequently refunded to the party shall be repaid by him.

8. *Suits by registered trade union, member of Scheduled Castes etc.*—In order to enable the court to come to a finding whether the plaintiff in the suits specified in the entries in column (1) of the Table below are entitled to concession of court fees under section 74(1) or not, the plaints presented to the Court in respect of such suits shall be accompanied by the documents and records specified against them in the corresponding entries in column (2) thereof.

TABLE

(1)	(2)
(i) Suits for money instituted by a registered trade union wherein the claim does not exceed one thousand rupees.	(i) Registration certificate of the trade union issued by the Registrar of Trade Unions under the Trade Unions Act, 1926.
(ii) Suits for money instituted by a member of the Scheduled caste or Scheduled tribe whose monthly income does not exceed one hundred rupees and wherein the claim does not exceed one thousand rupees.	(ii) A certificate from the Tahsildar of the Taluk or the District Welfare Officer of the Harijan Welfare Department having jurisdiction over the area where the plaintiff ordinarily resides to the effect that the said plaintiff's average monthly income does not exceed Rs. 100 and that he is a member of the Scheduled caste or Scheduled tribe, as the case may be.
(iii) Suits for money instituted by a prisoner whose monthly income does not exceed one hundred rupees and wherein the claim does not exceed one thousand rupees.	(iii) (a) a certificate from the Superintendent of the Jail in which the said plaintiff is confined to the effect that he is a prisoner of the said jail, and (b) A certificate from the Tahsildar of the Taluk where the prisoner has his permanent homestead stating that plaintiff's monthly income does not exceed Rs. 100.
(iv) Suits for money filed by a Co-operative Society registered under the Co-operative Societies Act for the time being in force against any person other than a member of the Society.	(iv) Certificate of registration of the Co-operative Society issued under the Co-operative Societies Act and ledger extracts concerning the transaction to which the suit relates.

(1)	(2)
(v) Suits for recovery of Compensation under the Workmen's Compensation Act, 1923.	(v) A certificate from the Commissioner for Workmen's Compensation to the effect that the plaintiff is a workman or dependant, as the case may be, as defined in the Workmen's Compensation Act, 1923.
(vi) Suits for the recovery of wages or bonus by workmen under the Industrial Disputes Act, 1947.	(vi) (a) A certificate from the Assistant Labour Officer having jurisdiction over the area to the effect that the said workmen belong to a particular establishment and that they are eligible for the benefits under the said Act, and (b) Documents such as settlements, agreements or awards, as the case may be, wherever they exist.
(vii) Suits for arrears of maintenance or for maintenance or for enhancement of maintenance or for recovery of shares of their deceased husbands or parents in the family property filed by women or minors whose monthly income does not exceed one hundred rupees.	(vii) (a) A certificate of income from the Tahsildar of the taluk having jurisdiction over the area where the plaintiff ordinarily resides to the effect that the said plaintiff's monthly income does not exceed one hundred rupees; and (b) a certified extract of the Register of births relating to the date of birth in the case of minors: Provided that the Court may, on being satisfied about the non-availability of the said extract, accept in lieu thereof, a certificate of age from the Tahsildar within whose jurisdiction the minor ordinarily resides.

Explanation: 'monthly income' for purpose of entries (ii), (iii) and (vii) shall mean the average monthly income during the period of one year immediately prior to the date of institution of the suit.

ANNEXURE

(See rule 5)

FORM

Section and sub-section of the Act.	Nature and subject matter of suit.	Annual gross profits of the land where it is capable of yielding annual profits or annual rental value of buildings.	Annual assessment if any made by Government.	Market value of the property calculated according to section 7 (2).	Cultivation and other expenses.	Net annual income.	Net income derived by the owner of the restricted or fractional interest.	Market value of the restricted or fractional interest calculated under section 7 (4) of the Act.	Valuation for purposes of Court fees.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Note : (1) Details as to how the annual gross profits (col. 3) and cultivation and other expenses (col. 6) are calculated should be furnished.

(2) Columns 6 to 9 need be filled up only when the suit pertains to a restricted or fractional interest in a property.

INSTRUCTIONS.

1. In the case of lands which are not capable of yielding annual profits, the market value as estimated by the plaintiff, with details as to how it is calculated should be furnished.

2. In the case of a building the annual rental value as entered in the register of the Corporation, Municipality or Panchayat, if any, within whose jurisdiction the building is situate, should be furnished and the market value should be taken as ten times such rental value.

3. In cases where no such rental value is entered in the Register of any local authority, the market value as estimated by the plaintiff with details as to how it is calculated should be furnished.

4. In addition to the particulars mentioned above the plaintiff may also furnish such additional particulars which he considers material to his own valuation.

By order of the Governor,

P. UNNIKRISHNA KURUP,

Additional Law Secretary.

GOVERNMENT OF KERALA

Law (C) Department

NOTIFICATION

No. 10463|C2|60-3|Law.

Dated, Trivandrum, 19th January 1962.

In exercise of the powers conferred by section 75 of the Kerala Court Fees and Suits Valuation Act, 1959 (Act 10 of 1960) the Government of Kerala hereby order that where, fraction of a naya paisa is payable by way of court-fee in respect of any document under the said Act, the court-fee to the extent of such fraction shall stand remitted.

This notification shall come into force on the first day of February, 1962.

By order of the Governor.
P. UNNIKRISHNA KURUP,
Additional Law Secretary.

GOVERNMENT OF KERALA

Law (C) Department

NOTIFICATION

No. 10463|C2|60-4|Law.

Dated, Trivandrum, 19th January 1962.

In exercise of the powers conferred by section 78 of the Kerala Court Fees and Suits Valuation Act, 1959 (Act 10 of 1960) and in supersession of all existing notifications on the subject the Government of Kerala hereby issue the following directions, namely:—

1. When in any case the fee chargeable under the said Act is less than Rupee one, such fee shall be denoted by adhesive stamps.

2. When in any case the fee chargeable under the said Act amounts to or exceeds Rupee one, such fee shall be denoted by impressed stamps or adhesive stamps or partly by impressed stamps and partly by adhesive stamps.

This Notification shall come into force on the first day of February 1962.

By order of the Governor.
P. UNNIKRISHNA KURUP,
Additional Law Secretary.